

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DARRYL W. PRUETT,

Petitioner,

v.

JUDY P. SMITH,

Respondent.

ORDER

Case No. 15-cv-708-wmc

Petitioner Darryl W. Pruett seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has submitted a motion for leave to proceed without prepayment of the filing fee (Dkt. # 2), along with several uncertified monthly inmate transaction statements to support his request. These statements are insufficient to determine whether petitioner qualifies for indigent status because petitioner has not submitted a *certified* copy of petitioner's inmate trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the filing of his petition.

For this case to move forward, petitioner must either pay the \$5 filing fee or submit a certified inmate trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the filing of this habeas corpus petition. If petitioner does not submit either the \$5 filing fee or a trust fund account statement before November 24, 2015, the court will assume that petitioner wishes to withdraw this action voluntarily and will dismiss the petition without prejudice under Fed. R. Civ. P. 41(a).

ORDER

IT IS ORDERED that petitioner Darryl W. Pruett may have an enlargement of time until November 24, 2015 to submit a certified trust fund account statement for the period beginning approximately March 30, 2015 and ending approximately October 29, 2015. If, by November 24, 2015, petitioner fails to respond to this order, I will assume that petitioner wishes to withdraw this action voluntarily and will dismiss the petition without further notice.

Entered this 4th day of November, 2015.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge